

U.S. Serial No. 10/086,775
Reply to Office Action of: 05/02/2005
Family Number: P2002J025

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REMARKS

The Office Action of May 2, 2005 has been received and reviewed. This response is directed to that Action. Pursuant to 37 C.F.R. § 1.136, the Applicants hereby petition the Office for a three-month extension of time. This amendment is submitted with a Request for Continued Examination (RCE).

Support for the amendments to claims 1, 6 and 9 can be found in the specification in paragraph [0020], and in originally filed claim 4.

Claim Rejections - 35 U.S.C. § 103(a)

The Examiner rejected claims 1 and 4-12 under 35 U.S.C. § 103(a) as obvious in view of WO 99/13031 (Berlowitz). The Examiner stated that Berlowitz teaches a macroemulsion, and that it is known that particles in a macroemulsion may be as small as 0.2 microns. Therefore, according to the Examiner, the particle size of the present invention (0.1 to 1 micron) overlaps with the particle size of Berlowitz (as small as 0.2 microns).

Obviousness can only be established by modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion or motivation to do so found either explicitly or implicitly in the prior art or in the knowledge generally available to one of ordinary skill in the art.

The present amendments to the claims of the present invention requires that a majority of the hydrocarbon particles are 0.1 microns, which characterizes the composition as a microemulsion. Berlowitz teaches a macroemulsion (page 2, line 23) and never suggests that his teachings could be modified to make a microemulsion as in the present invention. Therefore, because there is no suggestion in Berlowitz to

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produce a Fischer-Tropsch hydrocarbon-in-water microemulsion, wherein the majority of hydrocarbon particles are 0.1 microns, a prima facie case of obviousness fails.

Based on the foregoing amendments and arguments, the Applicants respectfully request that the rejection be withdrawn, and the application proceed to allowance. If any issues remain, the resolution of which can be advanced over the telephone, the Examiner is invited to contact Applicants' attorney at the number listed below.

Respectfully submitted,



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☒ Pursuant to 37 CFR 1.34(a)

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